

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**CHARLES E. BLAKE**

**PETITIONER**

**V.**

**NO. 4:20-CV-103-DMB-RP**

**COMMISSIONER BURL CAIN**

**RESPONDENT**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On February 2, 2021, United States Magistrate Judge Roy Percy issued a Report and Recommendation (“R&R”) recommending that the respondent’s motion to dismiss<sup>1</sup> Charles E. Blake’s petition for a writ of habeas corpus<sup>2</sup> be granted, that the petition be dismissed with prejudice as untimely filed, and that no certificate of appealability be issued. Doc. #17 at 6. No objections to the R&R were filed within the allowed time period.<sup>3</sup>

Under 28 U.S.C. § 636(b)(1), “[a] judge of the court shall make a de novo determination of those portions of the report ... to which objection is made.” “[W]here there is no objection, the Court need only determine whether the report and recommendation is clearly erroneous or contrary to law.” *United States v. Alaniz*, 278 F. Supp. 3d 944, 948 (S.D. Tex. 2017) (citing *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989)).

The Court has reviewed the R&R and finds that it is neither clearly erroneous nor contrary to law. Accordingly, the Report & Recommendation [17] is **ADOPTED** as the order of this Court; the motion to dismiss [10] is **GRANTED**; Blake’s petition for a writ of habeas corpus [1] is

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<sup>1</sup> Doc. #10.

<sup>2</sup> Doc. #1.

<sup>3</sup> Blake requested and was granted two extensions of time to file objections to the R&R. Docs. #20, #23.

**DISMISSED with prejudice**; and a certificate of appealability is **DENIED**. A final judgment will be issued separately.

**SO ORDERED**, this 20th day of April, 2021.

/s/Debra M. Brown  
**UNITED STATES DISTRICT JUDGE**